

**ENTERED**

February 02, 2021

Nathan Ochsner, Clerk

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF TEXAS  
CORPUS CHRISTI DIVISION

U.S BANK NATIONAL ASSOCIATION,	§
AS TRUSTEE FOR ASSET BACKED	§
SECURITIES CORPORATION HOME	§
EQUITY LOAN TRUST,	§
	§
Plaintiff,	§
VS.	§ CIVIL ACTION NO. 2:19-CV-369
	§
MICHAEL PREVITY, <i>et al.</i> ,	§
	§
Defendants.	§

**ORDER**

The Court previously granted default judgment and a final judgment in the above-captioned case (D.E. 28) in favor of Plaintiff U.S. Bank National Association against Defendants Michael Preuity, Daniel Preuity, Patricia Preuity, and Theresa Lopez (together, “Defendants”). Plaintiff subsequently filed its Motion for Attorneys’ Fees pursuant to Federal Rule of Civil Procedure 54(d)(2)(B)(i). (D.E. 29).

Plaintiff attached to its Motion for Attorneys’ Fees an affidavit and other documentation (D.E. 29-1), which the Court has reviewed. After careful consideration of Plaintiff’s submissions, to which no opposition has been filed<sup>1</sup>, and applying the factors set forth in *Johnson v. Georgia Highway Express, Inc.*, 488 F.2d 714, 717–19 (5th Cir. 1990), the Court finds Plaintiff’s request for attorneys’ fees in the total amount of \$10,907.70 meritorious. As such, the Court **GRANTS** Plaintiff’s Motion for Attorneys’ Fees (D.E. 29)

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<sup>1</sup> Pursuant to the Local Rules for the Southern District of Texas, failure to file a response is taken as a representation that a party is unopposed to the granting of the relief requested. LR 7.4.

and **AWARDS** Plaintiff \$10,907.70 in attorneys' fees pursuant to Texas Civil Practice and Remedies Code § 38.001(8). The Court further **ORDERS** that Plaintiff's \$10,907.70 attorneys' fees award shall not be recovered as a personal judgment against Defendants, but rather as a further obligation secured by the property<sup>2</sup> at issue under the Note and Security Instrument made basis of this suit.

SO ORDERED.



DAVID S. MORALES  
UNITED STATES DISTRICT JUDGE

Dated: Corpus Christi, Texas  
February 2, 2021

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<sup>2</sup> The real property commonly known as 2812 Devon Dr., Corpus Christi, TX 78404. See (D.E. 28, p. 2, ¶ 3.).